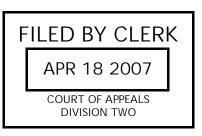
IN THE COURT OF APPEALS STATE OF ARIZONA DIVISION TWO



THE STATE OF ARIZONA,)	
)	2 CA-CR 2006-0430-PR
	Respondent,)	DEPARTMENT A
)	
v.)	MEMORANDUM DECISION
)	Not for Publication
GLENN WHEDBEE,)	Rule 111, Rules of
)	the Supreme Court
	Petitioner.)	-
)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-19906

Honorable Jane L. Eikleberry, Judge

REVIEW GRANTED; RELIEF DENIED

Glenn Whedbee Tucson
In Propria Persona

VÁSQUEZ, Judge.

Following a 1988 jury trial, petitioner Glenn Whedbee was convicted of first-degree murder for killing a fellow inmate. He was sentenced to a life term of imprisonment. We affirmed Whedbee's conviction and sentence on appeal, *State v. Whedbee*, No. 2 CA-CR 89-0398 (memorandum decision filed Dec. 19, 1989), and denied relief from the trial court's denial of his first petition for post-conviction relief, filed thirteen years after his appeal.

State v. Whedbee, No. 2 CA-CR 2004-0033-PR (decision order filed Apr. 26, 2005). Whedbee then filed his second post-conviction petition pursuant to Rule 32, Ariz. R. Crim. P., 17 A.R.S., which the trial court denied without conducting an evidentiary hearing. This petition for review followed. We will not disturb a trial court's ruling on a petition for post-conviction relief absent an abuse of discretion. State v. Watton, 164 Ariz. 323, 325, 793 P.2d 80, 82 (1990). We find no abuse here.

Although the record before us apparently does not contain the entire petition for post-conviction relief, based on the portions of the petition that are in the record, the notice of post-conviction relief, the trial court's detailed minute entry ruling, and Whedbee's arguments on review, we are satisfied that we understand his claims. Whedbee raises the following issues: he is entitled to an evidentiary hearing because his claims were not precluded; his claim of ineffective assistance of trial counsel was not precluded because he could not have raised it on appeal; his Rule 32 petition contained evidence to support his claim that the state had used perjured testimony at trial; he is entitled to additional presentence incarceration credit; he is entitled to be resentenced based on the newly discovered evidence that he suffers from hepatitis C; and there is "newly discovered" evidence¹ related to his claim of third party culpability.

¹Although Whedbee calls this newly discovered evidence, it appears he intended to characterize it as a significant change in the law.

¶3	In its ruling denying the petition, the trial court found Whedbee's claims
without merit	t or precluded under Rule 32.2(a) because he could have raised them on appeal
or in his firs	t Rule 32 petition and he did not establish that they fell under any of the
exceptions to	preclusion set forth in Rule 32.2(b). We agree with the trial court's findings,
and we adop	ot the trial court's thorough minute entry that clearly identified Whedbee's
arguments an	nd ruled on them in a manner that is legally correct and factually supported by
the limited re	ecord before us. As such, we see no need to revisit the court's ruling. See State
v. Whipple, 1	177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993).

¶4 Therefore, although we grant the petition for review, we deny relief.

	GARYE L. VÁSQUEZ, Judge
CONCURRING:	
JOHN PELANDER, Chief Judge	
JOSEPH W. HOWARD, Presiding Judge	